

Gage. Present, excused.  
 Absent, excused.  
 McComb, Whitaker.  
 Absent, not excused.  
 Beall, Presler.  
 Goss,

When Senator Gage's name was reached, he stated that he had a personal interest in the bill, and asked that he be excused from voting.

Excused.

Senator Lewis called up

Senate bill No. 80, a bill entitled "An act to confirm and validate certain surveys of land made by virtue of certificates issued to persons permanently disabled by reason of wounds received while in the service of this State, or of the Confederate States."

And moved that it be made special order for tomorrow at 11 o'clock.

Pending action,

On motion of Senator Smith, Senate adjourned till tomorrow morning at 10 o'clock by the following vote:

Yeas—14.

|           |           |
|-----------|-----------|
| Agnew,    | Lawhon,   |
| Boren,    | McKinney, |
| Colquitt, | Sherrill, |
| Dibrell,  | Smith,    |
| Dickson,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |

Nays—12.

|         |            |
|---------|------------|
| Atlee,  | Harrison.  |
| Bailey, | Lewis,     |
| Bowser, | Rogers,    |
| Darwin, | Shelburne, |
| Dean,   | Simpson,   |
| Greer,  | Tips.      |

Absent, excused.

McComb, Whitaker.

Absent, not excused.

Beall, Presler.

## EIGHTIETH DAY.

Senate Chamber,  
 Austin, Texas, April 17, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

|           |          |
|-----------|----------|
| Agnew,    | Darwin,  |
| Atlee,    | Dean,    |
| Bailey,   | Dibrell, |
| Beall,    | Dickson, |
| Boren,    | Gage,    |
| Bowser,   | Goss.    |
| Colquitt, | Greer,   |

|            |           |
|------------|-----------|
| Harrison,  | Sherrill, |
| Lawhon,    | Simpson,  |
| Lewis,     | Smith,    |
| McKinney,  | Stafford, |
| Presler,   | Steele,   |
| Rogers,    | Tips,     |
| Shelburne, | Woods.    |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Stafford, the same was suspended.

## PETITIONS AND MEMORIALS.

By Senator Lawhon:

Petition of citizens of Wilson county, asking for tax of 20 cents on the \$100 for public free school purposes.

Read first time and referred to Committee on Education.

## COMMITTEE REPORTS.

Committee Room,

Austin, Texas, April 17, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Rules to whom was referred the proposed amendment to rule 62, to-wit:

"Resolved, That rule 62 of the Senate be so amended so that hereafter it shall read as follows:

"Rule 62. On call of three members for the yeas and nays on any question, they shall be taken, and each member, upon his name being called, unless excused by the Senate, shall without debate answer 'yea' or 'nay,' and in case any Senator is present and declines to vote when his name is called, it shall then be the duty of the secretary to note the name or names of all Senators who are present and thus decline to vote, and announce to the President the number voting and the names of those present and not voting, and if those voting and those who are present and not voting constitute a quorum, it shall thereupon be the duty of the President to declare the result of the vote as shown by a majority of those present and voting, and the Journal shall show the names of those voting and of those present and declining to vote."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it be adopted.

AGNEW, Acting Chairman.

Under the rules, the motion went over for one day.

**BILLS AND RESOLUTIONS.**

By Senator Colquitt:

Resolved, That Hon. J. O. Terrell, formerly a member of the Senate, be invited to a seat within the bar of the Senate.

Adopted unanimously.

Call concluded.

**HOUSE MESSAGE.**

House of Representatives,  
Austin, Texas, April 16, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bills, to-wit:

House bill No. 699, a bill to be entitled "An act to amend an act entitled an act to be entitled an act to amend section 37 of an act entitled 'An act to redistrict the State into judicial districts and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said district at the next general election to be held on the first Tuesday after the first Monday in November, 1884,' approved April 9, 1883; to create the Forty-fifth Judicial District of the State of Texas, fix the time for holding court therein, and fixing the time for holding court in the Thirty-seventh Judicial District, and to provide for the appointment of a district judge for said Forty-fifth Judicial District, and to provide for the venue of causes in said courts, and to regulate the transfer thereof from one of said courts to the other,' passed by the Twenty-first Legislature, and being chapter 140 of the acts of said Legislature; to prescribe the time for holding the district courts of Bexar county, of the Thirty-seventh Judicial District, and of the Forty-fifth Judicial District, to define the jurisdiction thereof, and to repeal all laws and parts of laws in conflict herewith."

House bill No. 638, a bill to be entitled "An act for the creation of natural premium or business assessment life and accident insurance companies in this State, and for the regulation thereof, and to repeal all laws and parts of laws in conflict therewith."

Respectfully,

E. W. SMITH, Jr., Acting Chief Clerk.

Senator Lawhon moved to suspend regular order of business to take up

House bill No. 708, being "An act to organize the Twenty-fourth and Thirty-sixth Judicial Districts, to name the counties composing the same, to fix the times for holding the district courts therein, to provide for the issuance and return of process therein, and to repeal all laws in conflict herewith."

Senator Steele made the point of order that a motion to suspend regular order of business when the Senate is considering a special order is not in order, citing Senate Rules and Smith's Digest of Parliamentary Procedure.

Sustained.

**UNFINISHED BUSINESS.**

The Chair laid before the Senate upon its passage to third reading,

House bill No. 404, being a bill to be entitled "An act to amend an act entitled 'An act to define trusts, and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas,' approved March 30, 1889."

Action being on an amendment offered by Senator Lewis, to-wit:

"Amend by adding to section 12 the following: 'Provided, that this act shall not be held or construed to prevent labor from uniting and organizing for the purpose of protecting themselves and maintaining the just and reasonable price of labor.'"

Pending action.

Senator Lewis called up

Senate bill No. 80, a bill entitled "An act to confirm and validate certain surveys of land made by virtue of certificates issued to persons permanently disabled by reason of wounds received while in the service of this State, or of the Confederate States,"

And moved that it be made special order for today at 11:30 a. m.

Senator Steele made the point of order that the rules would have to be suspended in order to make an additional special order which is not in order.

Not sustained.

Senator Lewis then changed the time, to make said bill special order for Friday next after call, and from day to day.

So ordered.

The Chair gave notice of signing, and did sign after the captions had been read,

Senate bill No. 49, a bill entitled "An act to give jurisdiction to the several Courts of Civil Appeals over cases transferred from one of such courts to another under the direction of the Supreme Court, and providing for the transfer of such cases."

Senate bill No. 41, a bill to be entitled "An act to repeal article 4249, chapter 10, title 84, of the Revised Civil Statutes of Texas, adopted by the regular session of the Sixteenth Legislature, A. D. 1879, requiring railroad corporations to file an annual report with the Comptroller of Public Accounts."

Senate bill No. 44, a bill to be entitled "An act to amend article 1211, title 29, chapter 5, of the Revised Civil Statutes of the State of Texas," so as to provide for the appointment of a guardian for lunatics, idiots, and persons non compos mentis, where they are defendants to a suit, for the purpose of defending such suit."

Senate bill No. 210, "An act for the better protection of the public buildings of the State of Texas."

Senator Smith moved to reconsider the vote by which Senate bill No. 80 was made special order for next Friday after call and from day to day.

Lost by the following vote:

Yeas—10.

|           |           |
|-----------|-----------|
| Beall,    | Presler,  |
| Boren,    | Smith,    |
| Colquitt, | Stafford, |
| Gage,     | Steele,   |
| McKinney, | Woods.    |

Nays—17.

|          |            |
|----------|------------|
| Agnew,   | Harrison,  |
| Atlee,   | Lawhon,    |
| Bailey,  | Lewis,     |
| Bowser,  | Rogers,    |
| Darwin,  | Shelburne, |
| Dibrell, | Sherrill,  |
| Dickson, | Simpson,   |
| Goss,    | Tips.      |
| Greer,   |            |

Absent, excused.

McComb.

Absent, not excused.

Dean, Whitaker.

Action recurred to

House bill No. 404, a bill entitled "An act to amend an act entitled 'An act to define trusts, and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas,' approved March 30, 1889."

After considerable discussion,

Senator Sherrill moved the previous question on the pending amendment, which was duly seconded, and

Senator Lewis moved a call of the Senate, which was duly seconded.

Pending the order of the call,

Senator Beall made the point or order that the motion for the previous question having been duly seconded "was ordered," and that hence a motion for a call of the Senate was not in order, citing Smith's Digest of Parliamentary Procedure, to-wit:

Page 409, Rules of House of Representatives:

"The 'second' of the demand for the previous question, as it was formerly called, and the 'order' for the previous

question under the present usage are equivalent terms."

Not sustained.

The roll was called, the following Senators answering:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Bowser moved that Senator Whitaker be excused.

Lost by the following vote (requiring two-thirds):

Yeas—17.

|           |           |
|-----------|-----------|
| Agnew,    | McKinney, |
| Beall,    | Presler,  |
| Boren,    | Rogers,   |
| Bowser,   | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |
| Lawhon,   |           |

Nays—11.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Darwin,  | Shelburne, |
| Dean,    | Simpson,   |
| Dickson, | Tips.      |
| Greer,   |            |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Beall moved to instruct the Sergeant-at-Arms to locate and bring into the Senate Chamber the absent Senator.

Carried.

Senator Steele moved to suspend the call of the Senate.

Senator Lewis made the point that to suspend the call as to the pending measure would require a two-thirds vote.

The motion to suspend the call was lost by the following vote, the Chair holding that a two-thirds vote was required:

Yeas—17.

|        |         |
|--------|---------|
| Agnew, | Boren,  |
| Beall, | Bowser, |

Colquitt,  
Dibrell,  
Gage,  
Goss,  
Lawhon,  
McKinney,  
Presler,

Rogers,  
Sherrill,  
Smith,  
Stafford,  
Steele,  
Woods.

Nays—11.

Atlee,  
Bailey,  
Darwin,  
Dean,  
Dickson,  
Greer,

Harrison,  
Lewis,  
Shelburne,  
Simpson,  
Tips.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Smith appealed from the decision of the chair,

Pending action on which, Senator Bailey moved to adjourn to 3 p. m.

Lost by the following vote:

Yeas—10.

Atlee,  
Bailey,  
Darwin,  
Dean,  
Goss,

Greer,  
Harrison,  
Lewis,  
Shelburne,  
Simpson.

Nays—18.

Agnew,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Dibrell,  
Dickson,  
Gage,  
Lawhon,

McKinney,  
Presler,  
Rogers,  
Sherrill,  
Smith,  
Stafford,  
Steele,  
Tips,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Smith withdrew his appeal from the ruling of the Chair.

By consent, Senator Lawhon offered the following resolution:

Whereas, The present session of the Twenty-fourth Legislature is drawing to a close, and there are yet several measures of importance undisposed of; therefore, be it

Resolved, That hereafter no Senator shall consume more than 20 minutes at any one time in discussing any question unless by unanimous consent.

Senator Bailey moved to refer the resolution to the Committee on State Affairs.

Senator Smith moved as a substitute to adopt the resolution.

Senator Lewis made the point of order that the resolution could not be considered unless by unanimous consent or a suspension of the regular order.

Senator Smith amended his motion to include a suspension of the rules.

The motion was lost by the following vote (not receiving the necessary two-thirds majority):

Yeas—17.

Agnew,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Darwin,  
Dickson,  
Gage,  
Goss,

Lawhon,  
McKinney,  
Presler,  
Sherrill,  
Smith,  
Stafford,  
Steele,  
Woods.

Nays—10.

Atlee,  
Bailey,  
Dean,  
Greer,  
Harrison,

Lewis,  
Rogers,  
Shelburne,  
Simpson,  
Tips.

Absent, excused.

McComb.

Absent, not excused.

Dibrell, Whitaker.

By consent the following committee reports were sent up:

Committee Room,  
Austin, Texas, April 17, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 56, entitled "An act to amend article 4334 of Revised Statutes of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following amendment, to-wit:

Amend by adding to section 1 the following: "Provided, however, that all certified copies filed and recorded under the provisions of this act shall take effect and be in force from the time such certified copy was filed for record; and provided further, that nothing in this act shall be construed to make valid any instrument which was at the time of its execution from any cause invalid."

SMITH, Chairman.

Committee Room,  
Austin, Texas, April 17, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on General Land Office, to whom was referred

House bill No. 688, a bill to be entitled "An act to authorize the Commissioner of the General Land Office to issue to the heirs of S. H. Carter a patent to the north half and southeast quarter of section No. 2, block No. 1, Fisher county, as surveyed by the San Antonio and Mexican Gulf

Railway Company, and to set apart to the benefit of the common school fund of the State of Texas."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GREER, Acting Chairman.

Committee Room,

Austin, Texas, April 17, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 44, being "An act to amend article 1211, title 29, chapter 5, of the Revised Civil Statutes of the State of Texas, relating to the appointment of guardians ad litem,"

And find the same correctly enrolled, and have this day, at 11:50 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 17, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 210, being "An act for the better protection of the public buildings of the State of Texas,"

And find the same correctly enrolled, and have this day at 11:50 a. m. presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 17, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 49, "An act to give jurisdiction to the several Courts of Civil Appeals over cases transferred from one of such courts to another under the direction of the Supreme Court, and providing for the transfer of such cases,"

And find the same correctly enrolled, and have this day at 10:50 o'clock a. m., presented the same to the Governor for his approval.

GREER, Chairman.

Committee Room,

Austin, Texas, April 17, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 41, a bill to be entitled "An act to repeal article 4249, chapter 10, title 84, of the Revised Civil Statutes of Texas, adopted by the regular session

of the Sixteenth Legislature, A. D. 1879, requiring railroad corporations to file an annual report with the Comptroller of Public Accounts,"

And find the same correctly enrolled, and have this day, at 10:50 a. m., presented the same to the Governor for his approval.

GREER, Chairman.

#### IN SENATE.

House bill No. 699, a bill to be entitled "An act to amend an act entitled 'An act to be entitled an act to amend section 37 of an act entitled an act to redistrict the State into judicial districts and fix the time for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Forty-fifth Judicial District of the State of Texas, fix the time for holding court therein, and fixing the time for holding court in the Thirty-seventh Judicial District, and to provide for the appointment of a district judge for said Forty-fifth Judicial District, and to provide for the venue of causes in said courts, and to regulate the transfer thereof from one of said courts to the other,' passed by the Twenty-first Legislature, and being chapter 140 of the acts of said Legislature; to prescribe the time for holding the district courts of Bexar county of the Thirty-seventh Judicial District and of the Forty-fifth Judicial District, to define the jurisdiction thereof, and to repeal all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Judicial Districts.

House bill No. 638, a bill to be entitled "An act for the creation of natural premium or business assessment life and accident insurance companies in this State, and for the regulation thereof, and to repeal all laws and parts of laws in conflict therewith."

Read first time and referred to Committee on Insurance Statistics and History.

The Chair announced the following free conference committee on part of the Senate to consider the differences between the two houses on

Senate bill No. 24, a bill to be entitled "An act to amend section 12 of an act entitled 'An act to provide for the more efficient government and maintenance of the House of Correction and Reformatory at Gatesville,' approved April 2, 1889,"

Senators Sherrill, Agnew, Gage, Goss, and Harrison.

Senator Dean moved to adjourn to 3 p. m.

Lost by the following vote:

Yeas—6.

|         |          |
|---------|----------|
| Atlee,  | Dickson, |
| Bailey, | Goss,    |
| Dean,   | Greer.   |

Nays—22.

|           |            |
|-----------|------------|
| Agnew,    | McKinney,  |
| Beall,    | Presler,   |
| Boren,    | Rogers,    |
| Bowser,   | Shelburne, |
| Colquitt, | Sherrill,  |
| Darwin,   | Simpson,   |
| Dibrell,  | Smith,     |
| Gage,     | Stafford,  |
| Harrison, | Steele,    |
| Lawhon,   | Tips,      |
| Lewis,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Steele arose to a question of inquiry as to the reporting to the House of

House bill No. 412, a bill entitled "An act to impose an occupation tax upon general and local agents of life, fire, marine and accident insurance companies doing business in this State."

Senator Simpson made the point that, as the Senator was not speaking to the pending business, he was not in order.

Senator Steele stated that he was speaking to a question of privilege.

Senator Atlee made the point that the point of order came too late; that it should have been made when the motion to reconsider was called up.

The Chair ruled that, since the motion to reconsider the vote by which the bill finally passed was defeated, the other motions could not be entertained, and hence the bill should be reported to the House.

Senator Atlee then withdrew his other motions as to said bill, which are as follows:

"Also to reconsider the vote by which the bill passed to third reading.

"Also to reconsider the vote by which the amendment offered by Senator Smith and amended by Senator Shelburne was adopted.

"Also to reconsider the vote by which the amendment of Senator Shelburne to that of Senator Smith was adopted."

Senator Bailey moved to adjourn to 3:30 p. m.

Lost by the following vote:

Yeas—7.

|         |          |
|---------|----------|
| Atlee,  | Dickson, |
| Bailey, | Goss,    |
| Darwin, | Greer.   |
| Dean,   |          |

Nays—20.

|           |            |
|-----------|------------|
| Agnew,    | Presler,   |
| Beall,    | Rogers,    |
| Boren,    | Shelburne, |
| Bowser,   | Sherrill,  |
| Colquitt, | Simpson,   |
| Dibrell,  | Smith,     |
| Gage,     | Stafford,  |
| Harrison, | Steele,    |
| Lawhon,   | Tips,      |
| Lewis,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

McKinney, Whitaker.

Pending business going to the table,  
The Chair laid before the Senate

Senate bill No. 79, being a bill to be entitled "An act to amend section 5 of chapter 15 of the acts of the called session of the Twenty-second Legislature of the State of Texas, defining the appellate jurisdiction of the Courts of Civil Appeals."

Bill read third time.

Senator Smith moved a call of the Senate, which was duly seconded and ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Pending business going to the table,  
The Chair laid before the Senate

Senate bill No. 113, being a bill to be entitled "An act to amend an act entitled 'An act to make it penal to prevent or attempt to prevent any person from engaging or remaining in or performing the duties of any lawful employment, and to fix a penalty therefor,' approved March 8, 1887."

Bill read third time.

Senator Smith moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

|         |         |
|---------|---------|
| Agnew,  | Beall.  |
| Atlee,  | Boren,  |
| Bailey, | Bowser, |

|           |            |
|-----------|------------|
| Colquitt, | McKinney,  |
| Darwin,   | Presler,   |
| Dean,     | Rogers,    |
| Dibrell,  | Shelburne, |
| Dickson,  | Sherrill,  |
| Gage,     | Simpson,   |
| Goss,     | Smith,     |
| Greer,    | Stafford,  |
| Harrison, | Steele,    |
| Lawhon,   | Tips,      |
| Lewis,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Pending business going to the table,  
The Chair laid before the Senate,  
Senate bill No. 177, a bill to be entitled "An act to amend article 391, title 12, of the Penal Code relating to the leaving of dead animals in public roads, etc."

Bill read third time.

Senator Stafford moved a call of the Senate on the bill, which was duly seconded and ordered, the following Senators answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

(Senator Agnew in the chair).

The bill going to the table.

The Chair laid before the Senate

Senate bill No. 179, being "An act to provide for the issuance of attachments for witnesses in felony cases to counties other than those in which the trial is had, and to provide for the payment of the expenses of such witnesses."

Bill read third time.

Senator Smith moved a call of the Senate on the bill, which was duly seconded and ordered, the following answering to their names:

|         |           |
|---------|-----------|
| Agnew,  | Dickson,  |
| Atlee,  | Gage,     |
| Bailey, | Colquitt, |
| Beall,  | Darwin,   |
| Boren,  | Dean,     |
| Bowser, | Dibrell,  |

|            |           |
|------------|-----------|
| Goss,      | Sherrill, |
| Greer,     | Simpson,  |
| Harrison,  | Smith,    |
| Lawhon,    | Stafford, |
| Lewis,     | Steele,   |
| Presler,   | Tips,     |
| Rogers,    | Woods.    |
| Shelburne, |           |

Absent, excused.

McComb.

Absent, not excused.

McKinney,

Whitaker.

Senator Bailey moved to adjourn to 3:45 p. m.

Lost by the following vote:

Yeas—11.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Darwin,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Tips.      |
| Greer,   |            |

Nays—16.

|           |           |
|-----------|-----------|
| Agnew,    | Lawhon,   |
| Beall,    | McKinney, |
| Boren,    | Presler,  |
| Bowser,   | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |

Absent, excused.

McComb.

Absent, not excused.

Simpson,

Whitaker.

Senator Greer moved that the Door-keeper be instructed to open the doors of the Senate Chamber, and for authority cited (a) Senate Rule No. 10, and (b) article 3, section 16, of State Constitution.

No action taken.

Senator Dibrell moved to excuse Senator Whitaker for today and tomorrow.

Senator Lewis made the point of order that the Senator could be excused from the pending call only.

Sustained.

No further action taken.

Pending business going to the table,

The Chair laid before the Senate

Senate bill No. 190, a bill to be entitled "An act to establish a naval battalion, to be attached to the volunteer guard of Texas, provided for in subdivision 2 of article 3242, chapter 1, title 64, Revised Civil Statutes of Texas."

Bill read third time.

Senator Sherrill moved a call of the Senate, which was duly ordered, the following Senators answering to their names:

|         |           |
|---------|-----------|
| Agnew,  | Boren.    |
| Atlee,  | Bowser,   |
| Bailey, | Colquitt, |
| Beall,  | Darwin,   |

|           |            |
|-----------|------------|
| Dean,     | Presler,   |
| Dibrell,  | Rogers,    |
| Dickson,  | Shelburne, |
| Gage,     | Sherrill,  |
| Goss,     | Simpson,   |
| Greer,    | Smith,     |
| Harrison, | Stafford,  |
| Lawhon,   | Steele,    |
| Lewis,    | Tips,      |
| McKinney, | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Shelburne moved to adjourn to 4 p. m.

Lost by the following vote:

Yeas—11.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Darwin,  | Shelburne, |
| Dean,    | Simpson,   |
| Dickson, | Tips.      |
| Greer,   |            |

Nays—16.

|           |           |
|-----------|-----------|
| Agnew,    | Lawhon,   |
| Beall,    | McKinney, |
| Boren,    | Presler,  |
| Bowser,   | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |

Absent, excused.

McComb.

Absent, not excused.

Rogers,

Whitaker.

Senator Atlee made the point of order that several Senators were not in their seats when their names were called, and hence their votes should not be counted. Not sustained.

Senator Beall moved that three of the committee clerks be appointed to assist the Assistant Sergeant-at-Arms in preventing persons from escaping from the Senate Chamber.

No action taken.

Pending business going to the table, The Chair laid before the Senate

Senate bill No. 212, a bill entitled "An act to amend article 4190. of chapter 8, title 84, of the Revised Civil Statutes of Texas, relating to the manner of serving citations in cases of condemnation of right of way by railway companies."

Bill read third time.

Senator Colquitt moved a call of the Senate on this bill, which was duly seconded and ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Shelburne, |
| Colquitt, | Sherrill,  |
| Darwin,   | Smith,     |
| Dean,     | Stafford,  |
| Dibrell,  | Steele,    |
| Gage,     | Tips,      |
| Goss,     | Woods.     |
| Greer,    |            |

Absent, excused.

McComb.

Absent, not excused.

|          |           |
|----------|-----------|
| Dickson, | Simpson,  |
| Rogers,  | Whitaker. |

Senator Greer moved that the absentees be excused from this call.

Lost (requiring two-thirds) by the following vote:

Yeas—12.

|         |            |
|---------|------------|
| Atlee,  | Greer,     |
| Bailey, | Harrison,  |
| Bowser, | Lewis,     |
| Darwin, | Shelburne, |
| Dean,   | Simpson,   |
| Goss,   | Tips.      |

Nays—13.

|           |           |
|-----------|-----------|
| Beall,    | Presler,  |
| Boren,    | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Lawhon,   | Woods.    |
| McKinney, |           |

Absent, excused.

McComb.

Absent, not excused.

|          |           |
|----------|-----------|
| Agnew,   | Rogers,   |
| Dickson, | Whitaker. |

Pending business going to the table, The Chair laid before the Senate

Senate bill No. 226, a bill entitled "An act to authorize the commissioners court of Brazoria county, in the State of Texas, to order an election in and for said county to determine whether the road bonds of said county, to the amount of \$16,500, shall be issued, to provide for holding said election, to authorize said court to issue same in the event said election results favorably thereto, and to authorize said court to levy a tax not to exceed 15 cents on the \$100 valuation of taxable property in said county to pay the interest on and create a sinking fund for the redemption of said bonds, and to repeal all laws and parts of laws in conflict herewith."

Bill read third time.

Senator Smith moved a call of the



Senate, which was duly seconded and ordered, the following Senators answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Lawhon,    |
| Atlee,    | Lewis,     |
| Bailey,   | McKinney,  |
| Beall,    | Presler,   |
| Boren,    | Rogers,    |
| Bowser,   | Shelburne, |
| Colquitt, | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |
| Harrison, |            |

Absent, excused.

McComb.

Absent, not excused.

Darwin, Whitaker.

Senator Atlee moved to excuse the absentees from this call.

Lost by the following vote (requiring two-thirds):

Yeas—12.

|          |            |
|----------|------------|
| Atlee,   | Greer,     |
| Bailey,  | Harrison,  |
| Bowser,  | Lewis,     |
| Dean,    | Shelburne, |
| Dickson, | Simpson,   |
| Goss,    | Tips.      |

Nays—15.

|           |           |
|-----------|-----------|
| Agnew,    | Presler,  |
| Beall,    | Rogers,   |
| Boren,    | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Lawhon,   | Woods.    |
| McKinney, |           |

Absent, excused.

McComb.

Absent, not excused.

Darwin, Whitaker.

Senator Bailey moved that the Senate adjourn to 10 a. m. tomorrow.

Lost by the following vote:

Yeas—12.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Darwin,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Simpson,   |
| Greer,   | Tips.      |

Nays—13.

|           |           |
|-----------|-----------|
| Agnew,    | Dibrell,  |
| Beall,    | Gage,     |
| Boren,    | Goss.     |
| Bowser,   | Lawhon,   |
| Colquitt, | McKinney, |

Presler,  
Sherrill,  
Smith,

Stafford,  
Steele,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Pending business going to the table.  
The Chair laid before the Senate Senate bill No. 247, being a bill to be entitled "An act providing for the amendment of article 2971 of the Revised Statutes of the State of Texas, and to substitute in lieu thereof the following, viz."

Bill read third time.

Senator Colquitt moved a call of the Senate on the bill, which was duly seconded and ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips.      |
| Greer,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Atlee moved to excuse the absentee from this call.

Senator Beall moved as a substitute that the absentees be excused indefinitely.

Senator Lewis made the point of order that the absentees could be excused from this call only.

Sustained.

The Senate then refused to excuse the absentee by the following vote:

Yeas—12.

|         |            |
|---------|------------|
| Atlee,  | Greer,     |
| Bailey, | Harrison,  |
| Bowser, | Lewis,     |
| Darwin, | Shelburne, |
| Dean,   | Simpson,   |
| Goss,   | Tips.      |

Nays—15.

|           |           |
|-----------|-----------|
| Agnew,    | Dickson,  |
| Beall,    | Gage,     |
| Boren,    | Lawhon,   |
| Colquitt, | McKinney, |
| Dibrell,  | Presler,  |

Sherrill,  
Smith,  
Stafford,

Steele,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Rogers,

Whitaker.

Pending business going to the table,  
The Chair laid before the Senate  
Senate bill No. 50, a bill entitled "An  
act to amend article 4333, of the Revised  
Civil Statutes of Texas, amended March  
30, 1881, amended April 1, 1887, and to  
validate the registration of deeds, con-  
veyances, mortgages, deeds of trust, or  
the written instruments relating to real  
estate situated in any unorganized  
county, and recorded prior to March 30,  
1881, and recorded in the county to  
which said unorganized county was at-  
tached for judicial purposes at the time  
of such registration."

Bill read second time.

Senator Colquitt moved a call of the  
Senate, which was duly seconded and or-  
dered, the following Senators answering  
to their names:

Agnew,  
Atlee,  
Bailey,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Darwin,  
Dean,  
Dibrell,  
Dickson,  
Gage,  
Goss,  
Greer,

Harrison,  
Lawhon,  
Lewis,  
McKinney,  
Presler,  
Rogers,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,  
Stafford,  
Steele,  
Tips,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Atlee moved to excuse the ab-  
sentee from this call.

Lost by the following vote:

Yeas—13.

Atlee,  
Bailey,  
Bowser,  
Darwin,  
Dean,  
Dickson,  
Goss,

Greer,  
Harrison,  
Lewis,  
Rogers,  
Shelburne,  
Tips.

Nays—14.

Agnew,  
Beall,  
Boren,  
Colquitt,  
Dibrell,

Gage,  
Lawhon,  
McKinney,  
Presler,  
Sherrill,

Smith,  
Stafford,

Steele,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Simpson,

Whitaker.

Senator Dickson moved to adjourn to  
4 p. m.

Lost by the following vote:

Yeas—10.

Atlee,  
Bailey,  
Darwin,  
Dean,  
Dickson,

Greer,  
Lewis,  
Rogers,  
Shelburne,  
Tips.

Nays—18.

Agnew,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Dibrell,  
Gage,  
Goss,  
Harrison,

Lawhon,  
McKinney,  
Presler,  
Sherrill,  
Simpson,  
Smith,  
Stafford,  
Steele,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Simpson moved to suspend  
regular order to take up

Senate bill No. 165, a bill entitled "An  
act to amend article 512, chapter 4, title  
15, of the Penal Code of the State of  
Texas, relating to maiming, disfiguring  
and castration,"

Lost by the following vote:

Yeas—13.

Atlee,  
Bailey,  
Bowser,  
Darwin,  
Dean,  
Dickson,  
Greer,

Harrison,  
Lewis,  
Rogers,  
Shelburne,  
Simpson,  
Tips.

Nays—15.

Agnew,  
Beall,  
Boren,  
Colquitt,  
Dibrell,  
Gage,  
Goss,  
Lawhon,

McKinney,  
Presler,  
Sherrill,  
Smith,  
Stafford,  
Steele,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Greer moved to adjourn to 5  
p. m.

Lost by the following vote:

Yeas—11.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Darwin,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Tips.      |
| Greer,   |            |

Nays—15.

|           |           |
|-----------|-----------|
| Agnew,    | McKinney, |
| Beall,    | Presler,  |
| Boren,    | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |
| Lawhon,   |           |

Absent, excused.

McComb.

Absent, not excused.

|          |           |
|----------|-----------|
| Bowser,  | Whitaker. |
| Simpson, |           |

(Lieutenant Governor Jester in the chair.)

Pending business going to the table,

The Chair laid before the Senate

Senate bill No. 62, entitled "An act to amend section 92 of chapter 122 of the general laws of Texas, passed at regular session of the Twenty-third Legislature of Texas."

Bill read second time.

Senator Colquitt moved a call of the Senate on the bill, which was duly seconded and ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Shelburne, |
| Colquitt, | Sherrill,  |
| Darwin,   | Simpson,   |
| Dean,     | Smith,     |
| Dibrell,  | Stafford,  |
| Dickson,  | Steele,    |
| Gage,     | Tips,      |
| Goss,     | Woods.     |
| Greer,    |            |

Absent, excused.

McComb.

Absent, not excused.

|         |           |
|---------|-----------|
| Rogers, | Whitaker. |
|---------|-----------|

Senator Smith made the point that Senator Whitaker, being paired with Senator Shelburne on the bill, he was, to all intents and purposes, present.

The Chair ruled that Senator Whitaker was absent and not excused.

(Senator Steele in the chair.)

Senator Bailey moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

Yeas—12.

|          |            |
|----------|------------|
| Atlee,   | Greer,     |
| Bailey,  | Harrison,  |
| Bowser,  | Lewis,     |
| Darwin,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Tips.      |

Nays—15.

|           |           |
|-----------|-----------|
| Agnew,    | McKinney, |
| Beall,    | Sherrill, |
| Boren,    | Simpson,  |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |
| Lawhon,   |           |

Absent, excused.

McComb.

Absent, not excused.

|          |           |
|----------|-----------|
| Presler, | Whitaker. |
|----------|-----------|

Pending business going to the table,  
The Chair laid before the Senate.

Senate bill No. 62, a bill entitled "An act to amend section 92 of chapter 122 of the general laws of Texas, passed at the regular session of the Twenty-third Legislature of Texas."

Bill read second time.

Senator Colquitt moved a call of the Senate on the bill, which was duly seconded and ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Rogers,    |
| Bowser,   | Shelburne, |
| Colquitt, | Sherrill,  |
| Darwin,   | Simpson,   |
| Dean,     | Smith,     |
| Dibrell,  | Stafford,  |
| Dickson,  | Steele,    |
| Gage,     | Tips.      |
| Goss,     | Woods.     |
| Greer,    |            |

Absent, excused.

McComb.

Absent, not excused.

|          |           |
|----------|-----------|
| Presler, | Whitaker. |
|----------|-----------|

Senator Darwin moved to excuse the absentees from this call.

Lost by the following vote:

Yeas—13.

|         |           |
|---------|-----------|
| Atlee,  | Harrison, |
| Bailey, | Dean,     |
| Bowser, | Goss,     |
| Darwin, | Greer,    |

Lewis.  
Rogers,  
Shelburne.]

Simpson,  
Tips.

Nays—14.

Agnew,  
Beall,  
Boren.  
Colquitt,  
Dibrell,  
Dickson,  
Gage,  
Lawhon,  
McKinney,  
Sherrill,  
Smith,  
Stafford,  
Steele,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Presler, Whitaker.

Pending business going to the table,  
The Chair laid before the Senate  
Senate bill No. 74, a bill entitled "An  
act to amend article 2520, chapter 6, title  
47, of the Revised Civil Statutes of the  
State of Texas."

Bill read second time.

Senator Colquitt moved a call of the  
Senate on the bill, which was duly  
seconded and ordered, the following  
Senators answering to their names:

Agnew,  
Atlee,  
Bailey,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Darwin,  
Dean,  
Dibrell,  
Dickson,  
Gage,  
Goss,  
Greer,  
Harrison,  
Lawhon,  
Lewis,  
McKinney,  
Presler,  
Rogers,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,  
Stafford,  
Steele,  
Tips,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Atlee moved to excuse the ab-  
sentees from this call.

Lost by the following vote:

Yeas—12.

Atlee,  
Bailey,  
Bowser,  
Darwin,  
Dean,  
Dickson,  
Greer,  
Harrison,  
Lewis,  
Rogers,  
Shelburne,  
Tips.

Nays—14.

Agnew,  
Beall,  
Boren,  
Colquitt,  
Dibrell,  
Gage,  
Goss,  
Lawhon,  
McKinney,  
Sherrill,  
Smith,  
Stafford,  
Steele,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Presler, Whitaker.  
Simpson,

Senator Colquitt moved to excuse Sen-  
ator Whitaker from attendance today.

Senator Greer made the point of order  
that the motion was not in order, as the  
Senate had just refused to excuse.

Not sustained.

The motion was lost by the following  
vote:

Yeas—17.

Agnew,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Dibrell,  
Gage,  
Goss,  
Lawhon,  
McKinney,  
Presler,  
Rogers,  
Sherrill,  
Smith,  
Stafford,  
Steele,  
Woods.

Nays—10.

Atlee,  
Bailey,  
Darwin,  
Dean,  
Dickson,  
Greer,  
Harrison,  
Lewis,  
Shelburne,  
Tips.

Absent, excused.

McComb.

Absent, not excused.

Simpson, Whitaker.

Pending business going to the table,  
The chair laid before the Senate

Senate bill No. 75, a bill entitled "An  
act to amend article 1889, chapter 8, title  
37, of the Revised Civil Statutes of the  
State of Texas."

Bill read second time.

Senator Colquitt moved a call of the  
Senate on the bill, which was duly sec-  
onded and ordered, the following an-  
swering to their names:

Agnew,  
Atlee,  
Bailey,  
Beall,  
Boren,  
Bowser,  
Colquitt,  
Darwin,  
Dean,  
Dibrell,  
Dickson,  
Gage,  
Goss,  
Greer,  
Harrison,  
Lawhon,  
Lewis,  
McKinney,  
Presler,  
Rogers,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,  
Stafford,  
Steele,  
Tips,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker,

Senator Atlee moved to excuse the absentee from this call.

Lost by the following vote:

Yeas—11.

|           |            |
|-----------|------------|
| Atlee,    | Lewis,     |
| Bailey,   | Rogers,    |
| Bowser,   | Shelburne, |
| Dean,     | Simpson,   |
| Greer,    | Tips.      |
| Harrison, |            |

Nays—16.

|           |           |
|-----------|-----------|
| Agnew,    | Lawhon,   |
| Beall,    | McKinney, |
| Boren,    | Presler,  |
| Colquitt, | Sherrill, |
| Dibrell,  | Smith,    |
| Dickson,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |

Absent, excused.

McComb.

Absent, not excused.

Darwin, Whitaker.

Senator Smith moved to excuse Senator Whitaker from attendance for the remainder of the day.

Lost by the following vote (requiring two-thirds):

Yeas—16.

|           |           |
|-----------|-----------|
| Agnew,    | Lawhon,   |
| Beall,    | McKinney, |
| Boren,    | Presler,  |
| Bowser,   | Rogers,   |
| Colquitt, | Sherrill, |
| Dibrell,  | Smith,    |
| Gage,     | Stafford, |
| Goss,     | Woods.    |

Nays—11.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Darwin,  | Shelburne, |
| Dean,    | Simpson,   |
| Dickson, | Tips.      |
| Greer,   |            |

Absent, excused.

McComb.

Absent, not excused.

Steele, Whitaker.

Pending business going to the table, the Chair laid before the Senate,

Senate bill No. 88, a bill entitled "An act to provide for the removal and distribution among the Civil Courts of Appeals for the First, Second, Fourth and Fifth Supreme Judicial Districts of the State of Texas of the law library belonging to the State, now situated at Tyler, Texas, and for such part of the law library situated at Austin, Texas, as may be removed and distributed under the provisions hereof."

Bill read second time.

Senator Colquitt moved a call of the Senate on the bill, which was duly seconded, the following Senators answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips.      |
| Greer,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Atlee moved to excuse the absentee from this call.

Lost by the following vote:

Yeas—12.

|          |            |
|----------|------------|
| Atlee,   | Greer,     |
| Bailey,  | Harrison,  |
| Bowser,  | Lewis,     |
| Darwin,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Tips.      |

Nays—14.

|           |           |
|-----------|-----------|
| Agnew,    | Lawhon,   |
| Beall,    | McKinney, |
| Boren,    | Presler,  |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |

Absent, excused.

McComb.

Absent, not excused.

Sherrill,

Whitaker.

Simpson,

Senator Atlee moved to suspend regular order of business, and the rules, to take up and make special order for next Tuesday,

Senate bill No. 290, a bill entitled "An act to redistrict the State of Texas into judicial districts and to fix the times of holding courts therein, and to provide for the election of district judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1896, and to repeal all laws and parts of laws in conflict with the provisions of this act."

Senator Smith moved a call of the Senate on the motion, which was duly

seconded and ordered. the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Beall moved to excuse Senator Whitaker for the remainder of this legislative day.

Senator Atlee moved as a substitute to excuse Senator Whitaker from this call.

Lost by the following vote:

Yeas—14.

|          |            |
|----------|------------|
| Atlee,   | Greer,     |
| Bailey,  | Harrison,  |
| Bowser,  | Lewis,     |
| Darwin,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Simpson,   |
| Goss,    | Tips.      |

Nays—14.

|           |           |
|-----------|-----------|
| Agnew,    | McKinney, |
| Beall,    | Presler,  |
| Boren,    | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Lawhon,   | Woods.    |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Beall withdrew his motion to excuse Senator Whitaker for the remainder of this legislative day.

(Lieutenant Governor Jester in the chair.)

Senator Simpson called the attention of the chair to the fact that Senate rule No. 4, prohibiting smoking in the Senate Chamber during the session of the Senate, was being violated, and asked that it be enforced.

The chair instructed the Sergeant-at-Arms to enforce the rule.

Senator Sherrill moved to excuse Senator Whitaker for tomorrow, the 18th.

Senator Lewis made the point of or-

der that the motion was out of order for the reason that the Senate had refused to excuse the Senator for today and tomorrow.

Not sustained.

Senator Lewis moved a call of the Senate on the motion, which was duly seconded.

Senator Beall made the point of order that a call of the Senate was not in order upon a motion to excuse absentees under an existing call of the Senate.

Pending action.

Senator Bowser moved to suspend regular order of business to take up

Senate bill No. 252, a bill entitled "An act to amend article 685, chapter 5, title 8, of the Code of Criminal Procedure of the State of Texas, relating to trial and its incidents."

Lost by the following vote:

Yeas—11.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Bowser,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Tips.      |
| Greer,   |            |

Nays—14.

|           |           |
|-----------|-----------|
| Beall,    | McKinney, |
| Boren,    | Presler,  |
| Colquitt, | Sherrill, |
| Dibrell,  | Smith,    |
| Gage,     | Stafford, |
| Goss,     | Steele,   |
| Lawhon,   | Woods.    |

Absent, excused.

McComb.

Absent, not excused.

|         |           |
|---------|-----------|
| Agnew,  | Simpson,  |
| Darwin, | Whitaker, |

(Senator Smith in the chair.)

Senator Sherrill then renewed his motion to excuse Senator Whitaker for tomorrow, upon which

Senator Lewis moved a call of the Senate, and

Senator Beall made the point of order that a call of the Senate is not in order upon a motion to excuse absentees under an existing call of the Senate.

Not sustained.

The call of the Senate was then ordered. the following answering to their names:

|           |           |
|-----------|-----------|
| Agnew,    | Dickson,  |
| Atlee,    | Gage,     |
| Bailey,   | Goss,     |
| Beall,    | Greer,    |
| Boren,    | Harrison, |
| Bowser,   | Lawhon,   |
| Colquitt, | Lewis,    |
| Dean,     | McKinney, |
| Dibrell,  | Presler,  |

Rogers,  
Shelburne,  
Sherrill,  
Simpson,  
Smith,

Stafford,  
Steele,  
Tips,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Darwin, Whitaker.

Senator Beall moved to excuse absentee for today.

Senator Simpson moved to adjourn till tomorrow at 10 a. m.

Lost by the following vote:

Yeas—12.

Atlee,  
Bailey,  
Bowser,  
Darwin,  
Dean,  
Dickson,

Greer,  
Harrison,  
Lewis,  
Shelburne,  
Simpson,  
Tips.

Nays—16.

Agnew,  
Beall,  
Boren,  
Colquitt,  
Dibrell,  
Gage,  
Goss,  
Lawhon,

McKinney,  
Presler,  
Rogers,  
Sherrill,  
Smith,  
Stafford,  
Steele,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Simpson then moved to adjourn to 10:30 a. m. tomorrow.

Lost by the following vote:

Yeas—12.

Atlee,  
Bailey,  
Bowser,  
Darwin,  
Dean,  
Dickson,

Greer,  
Harrison,  
Lewis,  
Shelburne,  
Simpson,  
Tips.

Nays—16.

Agnew,  
Beall,  
Boren,  
Colquitt,  
Dibrell,  
Gage,  
Goss,  
Lawhon,

McKinney,  
Presler,  
Rogers,  
Sherrill,  
Smith,  
Stafford,  
Steele,  
Woods.

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Bailey moved to take a recess till 5:30 p. m.

Senator Beall made the point of order

that the Senate can not take a recess when under call.

Senator Bailey withdrew his motion and arose to a question of personal privilege relative to keeping the doors of the Senate open, citing Senate rules and clauses of the State Constitution—same as presented by Senator Greer. (See above.)

Senator Agnew called up

House bill No. 404, being a bill be entitled "An act to amend an act entitled 'An act to define trusts, and to provide for penalties and punishment of corporations, persons, firms and associations of persons connected with them, and to promote free competition in the State of Texas,' approved March 30, 1889,"

And moved to excuse Senator Whitaker after 5 p. m. this day.

Senator Lewis made the point of order that the bill was not pending business, and hence could not be called up.

Sustained.

Senator Beall made the point of order that a motion to excuse was like a motion to adjourn and could be entertained after any intervening business.

Pending business going to the table,

The Chair laid before the Senate

Senate bill No. 85, a bill entitled "An act to amend an act entitled 'An act to provide for a more efficient system of public free schools for the State of Texas, passed by the Twenty-third Legislature and approved May 20, 1893,' by adding section 51a, which shall read as follows,"

Action being upon the motion to reconsider the vote by which the enacting clause was stricken out.

Pending action,

Senator Dibrell moved a call of the Senate on the motion to reconsider, which was duly seconded and ordered, the following Senators answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee.    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Pending business going to the table,  
The Chair laid before the Senate

Senate bill No. 90, a bill entitled "An act to amend section 17, article 7, of chapter 122, of an act entitled 'An act to provide for a more efficient system of public free schools for the State of Texas,' passed by the Twenty-third Legislature, and approved May 20, 1893."

Bill read second time.

Senator Sherrill moved a call of the Senate on the bill, which was duly seconded and ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew.    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Greer moved to suspend regular order of business and take up

House bill No. 725, a bill entitled "An act to amend articles 4606, 4607 and 4608 of title 93, chapter 4, of the Revised Civil Statutes of the State of Texas, relating to the mode of preventing certain animals from running at large in counties and subdivisions thereof."

Senator Sherrill moved a call of the Senate on the motion which was duly seconded and ordered, the following Senators answering to their names:

|           |            |
|-----------|------------|
| Angew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Bailey,   | Lewis,     |
| Beall,    | McKinney,  |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Sherrill,  |
| Dean,     | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

34—Senate

Senator Rogers moved to excuse Senator Whitaker from this call.

Lost by the following vote:

Yeas—14.

|          |            |
|----------|------------|
| Atlee,   | Greer,     |
| Bailey,  | Harrison,  |
| Bowser,  | Lewis,     |
| Darwin,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Simpson,   |
| Goss,    | Tips.      |

Nays—14.

|           |           |
|-----------|-----------|
| Agnew,    | McKinney, |
| Beall,    | Presler,  |
| Boren,    | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Lawhon,   | Woods.    |

Absent, excused.

McComb.

Absent, not excused.

Whitaker.

Senator Bailey moved to adjourn to 11 a. m. tomorrow.

Lost by the following vote:

Yeas—12.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Bowser,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Simpson,   |
| Greer,   | Tips.      |

Nays—15.

|           |           |
|-----------|-----------|
| Agnew,    | McKinney, |
| Beall,    | Pressler, |
| Boren,    | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |
| Lawhon,   |           |

Absent, excused.

McComb.

Absent, not excused.

Darwin,

Whitaker.

Senator Lawhon was excused by the Chair for the purpose of consulting his oculist.

The Chair gave notice of signing, and did sign after the captions had been read.

Substitute Senate bill No. 59, a bill entitled "An act to amend article 52<sup>nd</sup>, of title 15, chapter 7, of the Penal Code of the State of Texas, relating to the offense of rape."

Senate bill No. 207, a bill entitled "An act to amend sections 1 and 7 of chapter 62 of the acts of the Twenty-third Legislature of the State of Texas,



approved April 28, 1893, and entitled 'An act to create a more efficient road system in the county of Guadalupe and auxiliary thereto; to provide for the appointment of road overseers; to define the powers and jurisdiction of the commissioners court with regard thereto; to utilize the labor of county convicts and defaulting poll tax payers on the public roads of said county, and to provide adequate penalties for the violation of the provisions of this act.'

Senator Goss moved to excuse Senator Greer, that he might present bills to the Governor for his signature.

Lost by the following vote (requiring two-thirds):

Yeas—13.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Bowser,  | Rogers,    |
| Darwin,  | Shelburne, |
| Dean,    | Simpson,   |
| Dickson, | Tips.      |
| Goss,    |            |

Nays—13.

|           |           |
|-----------|-----------|
| Agnew,    | Presler.  |
| Beall,    | Sherrill, |
| Boren,    | Smith,    |
| Colquitt, | Stafford, |
| Dibrell,  | Steele,   |
| Gage,     | Woods.    |
| McKinney, |           |

Absent, excused.

McComb.

Absent, not excused.

|         |           |
|---------|-----------|
| Greer,  | Whitaker, |
| Lawhon, |           |

Senator Dibrell moved to excuse Senator Dean till tomorrow morning, on account of some ailment of his throat.

Lost by the following vote (requiring two-thirds to excuse under call):

Yeas—13.

|           |            |
|-----------|------------|
| Atlee.    | Lewis,     |
| Bailey,   | McKinney,  |
| Darwin,   | Presler,   |
| Dibrell,  | Rogers,    |
| Dickson,  | Shelburne, |
| Greer,    | Tips.      |
| Harrison, |            |

Nays—13.

|           |           |
|-----------|-----------|
| Agnew,    | Sherrill, |
| Beall,    | Simpson,  |
| Boren,    | Smith,    |
| Bowser,   | Stafford, |
| Colquitt, | Steele,   |
| Gage,     | Woods.    |
| Goss,     |           |

Absent, excused.

McComb.

Absent, not excused.

|         |           |
|---------|-----------|
| Dean,   | Whitaker. |
| Lawhon, |           |

Senator Darwin, by consent, offered a petition from citizens of Sulphur Springs, praying for the passage of Senate bill No. 271 (school tax bill).

Read and referred to Committee on Education.

(Senator Atlee in the chair.)

Senator Bailey moved to adjourn to 10:10 a. m. tomorrow.

Lost by the following vote:

Yeas—13.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Lewis,     |
| Bowser,  | Rogers,    |
| Darwin.  | Shelburne, |
| Dean,    | Simpson,   |
| Dickson, | Tips,      |
| Greer.   |            |

Nays—14.

|           |           |
|-----------|-----------|
| Agnew,    | McKinney, |
| Beall,    | Presler,  |
| Boren,    | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell.  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |

Absent, excused.

McComb.

Absent, not excused.

|         |           |
|---------|-----------|
| Lawhon, | Whitaker. |
|---------|-----------|

Senator Shelburne moved to adjourn to 9:45 a. m. tomorrow.

Senator Beall made the point of order that no intervening business had been had.

Sustained.

Pending business going to the table,

The Chair laid before the Senate

Senate bill No. 94, being a bill to be entitled "An act to prescribe the time for holding the terms of the District Court in the Fifty-first Judicial District of the State of Texas."

Bill read second time.

Senator Beall moved a call of the Senate, which was ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lewis,     |
| Bailey,   | McKinney,  |
| Beall,    | Presler,   |
| Boren,    | Rogers.    |
| Bowser.   | Shelburne, |
| Colquitt, | Sherrill,  |
| Darwin,   | Simpson,   |
| Dean,     | Smith,     |
| Dibrell,  | Stafford,  |
| Dickson,  | Steele,    |
| Gage,     | Tips.      |
| Goss,     | Wood.      |
| Greer,    |            |

Absent, excused.

|         |         |
|---------|---------|
| Lawhon, | McComb. |
|---------|---------|

Absent, not excused.

Whitaker.

Senator Bailey moved to adjourn to 10:20 a. m. tomorrow.

Lost by the following vote:

Yeas—12.

|          |            |
|----------|------------|
| Atlee,   | Greer,     |
| Bailey,  | Harrison,  |
| Bowser,  | Lewis,     |
| Darwin,  | Rogers,    |
| Dean,    | Shelburne, |
| Dickson, | Simpson,   |

Nays—15.

|           |           |
|-----------|-----------|
| Agnew,    | Presler,  |
| Beall,    | Sherrill, |
| Boren,    | Smith,    |
| Colquitt, | Stafford, |
| Dibrell,  | Steele,   |
| Gage,     | Tips,     |
| Goss,     | Woods.    |
| McKinney, |           |

Absent, excused.

Lawhon, McComb.

Absent, not excused.

Whitaker.

Pending business going to the table,

"The Chair laid before the Senate,

Senate bill No. 100, being a bill to be entitled "An act to provide preference liens in favor of laborers, and to prescribe the manner of fixing and securing the same."

Bill read second time and ordered engrossed.

Senator Smith moved to reconsider the vote by which the bill was ordered engrossed.

Reconsidered by the following vote:

Yeas—15.

|           |           |
|-----------|-----------|
| Agnew,    | McKinney, |
| Beall,    | Presler,  |
| Boren,    | Sherrill, |
| Colquitt, | Smith,    |
| Dibrell,  | Stafford, |
| Gage,     | Steele,   |
| Goss,     | Woods.    |
| Lewis,    |           |

Yeas—10.

|          |            |
|----------|------------|
| Atlee,   | Harrison,  |
| Bailey,  | Rogers,    |
| Bowser,  | Shelburne. |
| Dickson, | Simpson,   |
| Greer,   | Tips.      |

Absent, excused.

Lawhon, McComb.

Absent, not excused.

Darwin, Whitaker.  
Dean,

Action recurring upon the engrossment,

Senator Smith moved a call of the Senate, which was ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lewis,     |
| Bailey,   | McKinney,  |
| Beall,    | Presler,   |
| Boren,    | Rogers,    |
| Bowser,   | Shelburne, |
| Colquitt, | Sherrill,  |
| Darwin,   | Simpson,   |
| Dean,     | Smith,     |
| Dibrell,  | Stafford,  |
| Dickson,  | Steele,    |
| Gage,     | Tips,      |
| Goss,     | Woods.     |
| Greer,    |            |

Absent, excused.

Lawhon, McComb.

Absent, not excused.

Whitaker.

Senator Colquitt moved to excuse Senator Whitaker for the remainder of this week.

Senator Smith moved as a substitute to excuse him for the remainder of this week and all of next week.

Senator Lewis moved a call of the Senate, which was ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lewis,     |
| Bailey,   | McKinney,  |
| Beall,    | Presler,   |
| Boren,    | Rogers,    |
| Bowser,   | Shelburne, |
| Colquitt, | Sherrill,  |
| Darwin,   | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |

Absent, excused.

Lawhon, McComb.

Absent, not excused.

Dean, Whitaker.

Senator Beall moved that the Sergeant-at-Arms be instructed to bring Senator Dean into the Senate Chamber.

So ordered by the following vote:

Yeas—20.

|           |            |
|-----------|------------|
| Agnew,    | Lewis,     |
| Atlee,    | Presler,   |
| Beall,    | Rogers,    |
| Boren,    | Shelburne, |
| Colquitt, | Sherrill,  |
| Darwin,   | Simpson,   |
| Dibrell,  | Smith,     |
| Gage,     | Stafford,  |
| Goss,     | Steele,    |
| Greer,    | Woods.     |

## Nays—5.

|          |           |
|----------|-----------|
| Bailey,  | Harrison, |
| Bowser,  | Tips.     |
| Dickson, |           |

Absent, excused.

|         |         |
|---------|---------|
| Lawhon, | McComb. |
|---------|---------|

Absent, not excused.

|           |           |
|-----------|-----------|
| Dean,     | Whitaker. |
| McKinney, |           |

Pending business going to the table, the Chair laid before the Senate

Senate bill No. 112, being a bill to be entitled "An act to amend article 4247 of the Revised Civil Statutes, relating to consolidation of railroad companies."

Bill read second time.

Senator Dibrell moved a call of the Senate, which was ordered, the following answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lewis,     |
| Bailey,   | McKinney,  |
| Beall,    | Presler,   |
| Boren,    | Rogers,    |
| Bowser,   | Shelburne, |
| Colquitt, | Sherrill,  |
| Darwin,   | Simpson,   |
| Dibrell,  | Smith,     |
| Dickson,  | Stafford,  |
| Gage,     | Steele,    |
| Goss,     | Tips,      |
| Greer,    | Woods.     |

Absent, excused.

|         |         |
|---------|---------|
| Lawhon, | McComb. |
|---------|---------|

Absent, not excused.

|       |           |
|-------|-----------|
| Dean, | Whitaker. |
|-------|-----------|

Senator Smith moved that Senator Presler be allowed to address the Senate for ten minutes.

Senator Shelburne made the point of order that the motion was not in order, for the reason that the rules of the Senate prescribe the regular order of business, and that same had not been suspended.

Sustained.

Senator Stafford moved to suspend the rules and that Senator Presler be allowed to address the Senate for ten minutes.

Carried by the following vote:

## Yeas—17.

|           |           |
|-----------|-----------|
| Atlee,    | Harrison, |
| Beall,    | Lawhon,   |
| Boren,    | McKinney, |
| Bowser,   | Sherrill, |
| Colquitt, | Smith,    |
| Darwin,   | Stafford, |
| Dibrell,  | Steele,   |
| Gage,     | Woods.    |
| Goss,     |           |

## Nays—8.

|          |            |
|----------|------------|
| Agnew,   | Lewis,     |
| Bailey,  | Shelburne, |
| Dickson, | Simpson,   |
| Greer,   | Tips.      |

Absent, excused.

McComb.

Absent, not excused.

|          |           |
|----------|-----------|
| Dean,    | Rogers,   |
| Presler, | Whitaker. |

Senator Presler proceeded to address the Senate, at the close of which

Senator Simpson moved to adjourn to 10 a. m. tomorrow.

The Chair declared the Senate adjourned.

## EIGHTY-FIRST DAY.

Senate Chamber,  
Austin, Texas, April 18, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

|           |            |
|-----------|------------|
| Agnew,    | Harrison,  |
| Atlee,    | Lawhon,    |
| Beall,    | Lewis,     |
| Boren,    | Presler,   |
| Bowser,   | Rogers,    |
| Colquitt, | Shelburne, |
| Darwin,   | Simpson,   |
| Dean,     | Smith,     |
| Dibrell,  | Stafford,  |
| Dickson,  | Steele,    |
| Gage,     | Tips,      |
| Goss,     | Woods.     |
| Greer,    |            |

Absent, excused.

McComb.

Absent, not excused.

|           |           |
|-----------|-----------|
| Bailey,   | Sherrill, |
| McKinney, | Whitaker. |

Prayer by Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

Senator Woods moved to dispense with the further reading.

Senator Simpson moved as a substitute that the reading of same be not dispensed with.

Lost by the following vote:

## Yeas—6.

|          |            |
|----------|------------|
| Dean,    | Shelburne, |
| Dickson, | Simpson,   |
| Lewis,   | Tips.      |